

REMARKS

By this amendment, the Applicants cancel the pending claims 1-13 and add claims 14-25 for examination. Therefore, on entering this amendment, claims 14-25 are all the claims pending in the application.

Claims 6, 8, 11 and 13 have been rejected based on section 112, second paragraph.

Claims 3-4 have been rejected based on section 112, first paragraph.

Claims 1-5, 7, and 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chang.

The Applicants traverse the rejections and request reconsideration.

Formal Matters

To date, the Applicants have filed five Information Disclosure Statements along with PTO 1449 Forms dated, January 21, 2003; November 5, 2003; March 3, 2004; July 19, 2004 and October 26, 2004. However, the Examiner has signed, initialed and returned copies of PTO 1449 Forms for only *three* IDS's. The Examiner is requested to consider the IDS's field on July 9 and October 26, 2004 and returned the signed and initialed copy of the corresponding PTO 1449 Forms.

Rejections based on section 112, second paragraph

The Applicants submit a copy each of the following two references:

1. B.S. Manjunath et al. Texture Feature for Browsing and Retrieval of Image Data, IEEE Transactions on Pattern Analysis and Machine Intelligence, v. 18, No. 8, August 1996.

2. B.S. Manjunath et al. A texture descriptor for browsing and similarity retrieval, Signal Processing: Image Communication 00 (2000) 000-000.

From the above references, it is clear that the terms regularity and regular-dissimilarity are terms well-known in the art and a skilled artisan would have known the metes and bounds of the claims from the commonly known meanings of these terms.

Rejections based on section 112, first paragraph

The new claims 14-25 are believed to be bereft of the section 112 problems noted above.

Rejections of claims 1-5, 7, and 9-12 under 35 U.S.C. § 102(b) by Chang

The above claims have been deleted rendering moot their corresponding rejections based on prior art.

New Claims

New claims 14-25 are presented for examination. The Applicants note that the present invention, as recited in claim 14, requires determining a perceptual dissimilarity between images and further requires that the influence of the statistical dissimilarity on the textual dissimilarity be dependant on a function of the perceptual dissimilarity. In other words, the weight similarity is automatically calculated based on the perceptual dissimilarity and not based on the user's input.

On the other hand, Chang discloses (p 938, col. 1, para. 1) that the perceptive weighing factor is adjusted by the user to satisfy their visual preference.

A skilled artisan would not have been able to practice the present invention based on the suggestion of Chang.

Claims 15-17, 19-20 are dependant on claim 14 and are allowable at least for the same reasons.

Claim 21 is an apparatus claim with limitations analogous to claim 14. Therefore, it should be allowed for at least the same reasons.

Claims 22-24 are dependant on claim 21 and are allowable at least for the same reasons.

Allowable Subject Matter

Presently deleted claims 6, 8 and 13 have been found allowable . Accordingly, new claims 18, 20 and 25 which recite similar subject matter, should be allowed.

Conclusion

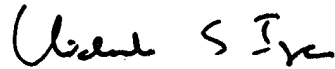
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response under 37 C.F.R. § 1.111
U.S. Application No.: 09/822,853

Attorney Docket No.: Q59547

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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